

## REMARKS

Claims 8-18 are in the application. Claims 9 and 10 were rejected under Section 102 based on Urishidani (U.S. 5,281,129). Claims 9 and 10 were also rejected under Section 103 based on Braun (4,766,721) in combination with any of Urishidani or EP 1331448 (EP '448) and in view of Iizuka (U.S. 4,7,721). Claims 10-18 were rejected under Section 103 based on the above-cited art in further view of Vandervort (6,082,092)

Reconsideration of the rejection of claims 8 and 9 under Section 102 is requested. The rejection asserts that Urishidani teaches the claimed invention based on an interpretation of parametric values graphically shown in figures 4 and 10 therein. With regard to figure 4, the Office Action suggests that after the fuel changeover, the ration of F2 appears to bisect the F1 + F2 curve and that this would suggest that "the ratio of fuels F1 to F2 between different burner stages will be kept constant regardless of the fluctuation." See page 2 of the Office Action. It is submitted that the graph does not describe a situation wherein, per claim 8, a fuel supply is adjusted "in response to the variations in the fuel composition ..." Rather, as stated in the paragraph beginning at line 43 in col. 2 of Urishidani, figure 4 is concerned with

"a stable combustion over the wide range from no-load operation to the rated-load operation ..."

Applicants acknowledge that other text preceding the subject paragraph make reference to change in calorific value, but maintain that the description in the subject paragraph and in figure 4 has no relation to the claimed subject matter. See, also, col. 3, lines 3-11 which further describe an increase to the rated load with

"setting the fuel-air ratio ... so as to reduce the NOx. None of this appears to relate to variations in the fuel composition.

Reference is also made to text at col. 3, lines 54-64 of Urishidani which states a feature inconsistent with the claimed subject matter. Applicants require that the fuel supply split between the burner stages "be kept at a constant value during the adjustment of the fuel supply" while the

cited text suggests that, with respect to fuel supplied to the pre-mix combustion zone, the fuel supplied to the diffusion combustion zone is changed.

With regard to figure 10 of Urishidani, reference is made to text at col. 5, lines 43-51 which also discloses features inconsistent with the requirements of claim 8, i.e., the reference states

“the fuel increased to control the change of the power attributable to the change of the calorific value is used for the stable F1 diffusion combustion alone, while for the F2 premix combustion, only the flow rate of air is changed, thereby setting the fuel-air ratio properly at which the stable and low NO<sub>x</sub> combustion can be effected.”

In summary, the rejection has taken disclosure out of context and misapplied such to reject the claims. For all of these reasons the rejection of claim 8 and claim 9 which depends therefrom should be withdrawn.

The rejections under Section 103 are in part based on the same, incorrect, interpretations of the Urishidani reference used to reject claim 8 under Section 103. Reliance on EP ‘448 (page 5, paragraph 1, and Fig. 3) is misplaced because the text cited at page 4 thereof merely refers to maintaining a desired fuel flow split without regard to whether the split is kept at a constant target value or varied over time. A “desired split” may be variable or constant. Further, none of that disclosure appears to be in the context of

“adjusting a fuel supply ... in response to the variations in the fuel composition”

as required by claim 8. There is no basis to form a piecemeal combination of the references when the pieces are pulled out of different contexts as is the case with Braun and EP ‘448. It is only the applicants who teach the claimed combination and there is no motivation to combine elements from the different references to reconstruct the invention. This is only a hindsight effort. The Examiner’s reference to Iizuka is apparently only for the purpose of arguing equivalence between burner types and does not compensate for the deficiencies in EP ‘448.

For these reasons none of the rejections under Section 103 can stand and all of the claims must be allowed. None of the other art of record is seen to compensate for the deficiencies cited in the Urishidani reference and the Examiner has expressly confirmed (at pages 3-4 of the Office

Serial No. 10/575,516  
Atty. Doc. No. 2003P12192WOUS

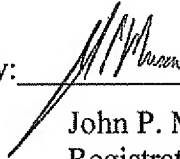
Action) that deficiencies exist in the Braun reference. Consequently, there is no basis to reject any of the claimed subject matter.

Conclusion

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16(c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 1/16/08

By:   
John P. Musone  
Registration No. 44,961  
(407) 736-6449

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830